

Message Text

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SUBJECT: HUMAN RIGHTS COMMISSION (HRC) - CHILE WORKING GROUP REPORT

1. REPORT OF AD HOC WORKING GROUP ON HUMAN RIGHTS IN CHILE CIRCULATED IN GENEVA FEB 10 (DOC E/CN.4/1188). COPIES POUCHED TO DEPT (IO/UNP) AND AMEMBASSY SANTIAGO.

2. SIXTY EIGHT PAGE REPORT CONTAINS EIGHT CHAPTERS DEALING WITH (A) CHILEAN CONSTITUTIONAL AND LEGISLATIVE PROVISIONS RELEVANT TO THE INQUIRY CONDUCTED BY THE GROUP; (B) THE IMPACT ON THE ENJOYMENT OF HUMAN RIGHTS OF CURRENT CHILEAN CONSTITUTIONAL AND LEGISLATIVE PROVISIONS; (C) ARREST AND DETENTION ON GROUNDS OF STATE SECURITY; (D) THE QUESTION OF FREEDOM OF MOVEMENT: THE RIGHT TO LEAVE THE COUNTRY AND TO RETURN TO IT; (E) TORTURE AND CRUEL, INHUMAN AND DEGRADING TREATMENT; (F) THE PRESENT SITUATION OF WOMEN, CHILDREN, YOUTH AND THE FAMILY; (G) THE GENERAL SITUATION AS REGARDS THE RESPECT OF HUMAN RIGHTS IN RELATION TO CIVIL AND POLITICAL RIGHTS AND ECONOMIC, SOCIAL AND CULTURAL RIGHTS, IN PARTICULAR, FREEDOM OF ASSOCIATION, THE RIGHT TO FORM AND JOIN TRADE UNIONS, AND THE RIGHT TO INTELLECTUAL FREEDOM; (H) CONCLUDING OBSERVATIONS.

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3. IN CHAPTER OF CONCLUDING OBSERVATIONS GROUP

"REGRETS TO HAVE TO INFORM THE COMMISSION THAT THE SITUATION REPORTED AS AT THE END OF AUG 1975 (IN PROGRESS REPORT SUBMITTED TO 30TH GA) HAS NOT SUBSTANTIALY CHANGED". ON POSITIVE SIDE GROUP REFERS TO OPPORTUNITY GIVEN TO NUMBER OF PERSONS TO LEAVE COUNTRY AND TO VERY RELATIVE POSSIBILITY GIVEN TO CHILEAN PEOPLE OF BEING INFORMED THROUGH PRESS OR RADIO OF WORLD EVENTS AND OF INTEREST OF FRIENDLY STATES AND INTERNATIONAL ORGANIZATIONS IN THEIR WELFARE. GROUP FINDS NO SIGNIFICANT PROGRESS THROUGH NEW LEGISLATION, NO DEMOCRATIC CONTROL OVER PRESENT REGIME'S ELABORATION AND INTERPRETATION OF STATE OF SIEGE AND ASSERTS CONTINUING ABILITY OF DINA AND SECURITY ESTABLISHMENTS OF THE ARMED FORCES TO DO WHAT THEY WISH UNDER PRETEXT OF PUBLIC ORDER. RUTHLESS METHODS USED BY THESE AGENCIES SUPPORT GROUP'S ASSERTION THAT "TORTURE IS INDEED INSTITUTIONALIZED AND HAS BECOME A PART OF THE PRESENT GOVERNMENT". GROUP TAKES NOTE OF DISTURBING FEATURE WHICH HAS OCCURRED SINCE PROGRESS REPORT DRAWN UP, VIZ. THE ATTENTION FOCUSED BY THE AUTHORITIES ON THE CHURCH AND THE CLERGY. AFTER QUOTING FORMER PRESIDENT EDUARDO FREI AS REPRESENTING THE ASPIRATIONS OF HIS FELLOW COUNTRYMEN IN CALLING FOR RESPECT FOR HUMAN RIGHTS, GROUP REJECTS ARGUMENT OF PRESENT RULERS THAT PRESENT SITUATION HAS BEEN FALSELY REPRESENTED BY A "MARXIST PLOT". CLOSING ITS CONCLUDING OBSERVATIONS, GROUP EXPRESSES READINESS TO CONTINUE ITS EFFORTS IN THE SPIRIT OF GA RES. 3448 (XXX) AND FOR THIS PURPOSE NOTES THAT "THE PROPITIOUS OCCASION" FOR A VISIT TO CHILE ANTICIPATED BY THE PRESIDENT OF CHILE IN JULY 1975 SHOULD MATERIALIZE IN THE NEAR FUTURE. GROUP STRESSES ESSENTIAL FACTOR THAT CHILEAN GOVERNMENT RE-ESTABLISH COOPERATION AND CONSULTATIONS WITH THE GROUP AND SUGGESTS THAT "IT MAY BE THAT THE GOVERNMENT WOULD AGREE, AS SEEMS TO BE INDICATED BY IT, TO EXAMINE, AS A FIRST STEP, WITH THE CO-OPERATION OF THE GROUP, INDIVIDUAL CASES OF ALLEGED SERIOUS VIOLATIONS OF HUMAN RIGHTS WHICH HAVE ALREADY BEEN OR WHICH MAY BE REPORTED TO THE GROUP".

4. REPORT WAS UNANIMOUSLY ADOPTED AND SIGNED BY ALL MEMBERS OF AD HOC WORKING GROUP ON JAN 30, 1976.
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5. ANNEXED TO REPORT ARE STATEMENTS MADE BEFORE GROUP BY BISHOP HELMUT FRENZ AND DR SHEILA CASSIDY AND WRITTEN TESTIMONY BY MR ENRIQUE KIRBERG B. FORMER RECTOR OF THE STATE TECHNICAL UNIVERSITY, CHILE. ALSO AMONG ANNEXES ARE TEXTS OF LETTERS EXCHANGED IN NOV 1975 BETWEEN PRESIDENT PINOCHET AND CARDINAL SILVA HENRIQUEZ, ARCHBISHOP OF SANTIAGO. PHELAN

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